



Reprinted
April 10, 2001

ENGROSSED SENATE BILL No. 110

DIGEST OF SB 110 (Updated April 9, 2001 4:08 PM - DI 98)

Citations Affected: IC 12-7; IC 12-17.2; noncode.

Synopsis: Children. Provides certain standards that a child care provider that receives a child care development voucher must meet. Specifies that a local step ahead council may not require child care ministries to meet additional standards unless those additional standards are approved by the general assembly or the division of family and children. Allows a class I child care home to serve a school age child during a break in the school year that exceeds four weeks if: (1) the school age child was at the home part-time during the four months preceding the break or has a sibling attending the child care home; and (2) the child care home and its licensee meet certain requirements. Removes the requirement that a person reside in a child care home to qualify for a license to operate a class II child care home. Lifts the July 1, 1996, moratorium imposed on the licensure of class II child care homes. Changes the definition of "child care center". Requires the division of family and children to adopt rules to require each child who is less than 18 years of age and who resides in a family that receives monthly cash assistance payments through the federal Temporary Assistance to Needy Families (TANF) program to receive certain immunizations. Provides exemptions for religious and medical reasons.

Effective: Upon passage; July 1, 2001.

Craycraft, Lawson C

(HOUSE SPONSORS — BUDAK, CROSBY)

January 8, 2001, read first time and referred to Committee on Health and Provider Services.

March 1, 2001, amended, reported favorably — Do Pass.

March 5, 2001, read second time, ordered engrossed. Engrossed.

March 6, 2001, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 12, 2001, read first time and referred to Committee on Human Affairs.

April 2, 2001, amended, reported — Do Pass.

April 9, 2001, read second time, amended, ordered engrossed.

ES 110—LS 6422/DI 104+



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April 10, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 110

A BILL FOR AN ACT to amend the Indiana Code concerning children.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-199.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 199.3. "Voucher agent", for**
4 **purposes of IC 12-17.2-3.5, has the meaning set forth in**
5 **IC 12-17.2-3.5-2.**

6 SECTION 2. IC 12-7-2-199.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2001]: **Sec. 199.5. "Voucher payment", for**
9 **purposes of IC 12-17.2-3.5, has the meaning set forth in**
10 **IC 12-17.2-3.5-3.**

11 SECTION 3. IC 12-17.2-3.5 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2001]:

14 **Chapter 3.5. Eligibility of Child Care Provider to Receive**
15 **Reimbursement Through Voucher Program**

16 **Sec. 1. This chapter applies to all child care providers regardless**
17 **of whether a provider is required to be licensed or registered under**

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1 this article.

2 Sec. 2. As used in this chapter, "voucher agent" means a person
3 who contracts with the division to process applications and
4 reimbursement for the federal Child Care and Development Fund
5 voucher program administered under 45 CFR 98 and 45 CFR 99.

6 Sec. 3. As used in this chapter, "voucher payment" means
7 payment for child care through the federal Child Care and
8 Development Fund voucher program administered under 45 CFR
9 98 and 45 CFR 99.

10 Sec. 4. A provider who:

- 11 (1) has been convicted of a felony; or
12 (2) fails to meet the requirements set forth in sections 5
13 through 12 of this chapter;
14 is ineligible to receive a voucher payment.

15 Sec. 5. A provider shall have working smoke detectors that meet
16 the standards adopted by rule for smoke detectors in licensed child
17 care homes in the area of the facility where the provider provides
18 child care.

19 Sec. 6. (a) A provider who is an individual shall have an annual
20 intradermal tuberculosis test.

21 (b) A provider shall assure that all individuals who are at least
22 eighteen (18) years of age and who:

- 23 (1) if the provider provides child care in the provider's home,
24 reside with the provider; and
25 (2) are employed at the facility where the provider provides
26 child care;
27 have an annual intradermal tuberculosis test.

28 (c) A provider shall provide the results of the tests required
29 under subsections (a) and (b) to the voucher agent.

30 Sec. 7. A provider shall have written plans for notifying parents
31 regarding the following:

- 32 (1) Illness, serious injury, or death of the provider.
33 (2) Care in an emergency.
34 (3) Emergency evacuation.

35 The plan required under subdivision (3) must be posted in a
36 conspicuous location in the provider's facility.

37 Sec. 8. A provider who is an individual shall maintain current
38 certification in:

- 39 (1) infant and child CPR; and
40 (2) first aid.

41 Sec. 9. A provider shall have at least one (1) working telephone
42 in each facility where the provider provides child care.



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1 **Sec. 10. A provider shall conduct monthly documented fire drills**
 2 **in accordance with Article 13 of the Indiana fire code in each**
 3 **facility where the provider provides child care.**

4 **Sec. 11. A provider shall provide for a safe environment by**
 5 **ensuring that the following items are placed in areas that are**
 6 **inaccessible to the children in the provider's care:**

7 (1) Firearms and ammunition.

8 (2) Poisons, chemicals, bleach, and cleaning materials.

9 **Sec. 12. (a) A provider shall, at the provider's expense, provide**
 10 **to the voucher agent a copy of a limited criminal history for:**

11 (1) the provider;

12 (2) if the provider provides child care in the provider's home,
 13 any individual who resides with the provider and who is:

14 (A) at least eighteen (18) years of age; or

15 (B) less than eighteen (18) years of age but has previously
 16 been waived from juvenile court to adult court; and

17 (3) any individual who is employed at the facility where the
 18 provider provides child care.

19 (b) In addition to the requirement under subsection (a), a
 20 provider shall report to the voucher agent any:

21 (1) police investigations;

22 (2) arrests; and

23 (3) criminal convictions;

24 not listed on a limited criminal history provided under subsection
 25 (a) regarding any of the persons listed in subsection (a).

26 **Sec. 13. A local step ahead council may not require a child care**
 27 **ministry to meet any minimum standards in addition to the**
 28 **standards described in this chapter unless the additional standards**
 29 **are approved by the:**

30 (1) general assembly; or

31 (2) division.

32 **SECTION 4. IC 12-7-2-28.4 IS AMENDED TO READ AS**
 33 **FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.4. (a) "Child**
 34 **care center", for purposes of IC 12-17.2, means a nonresidential**
 35 **building where at least seventeen (17) children receive one (1) child**
 36 **receives child care from a provider:**

37 (1) while unattended by a parent, legal guardian, or custodian;

38 (2) for regular compensation; and

39 (3) for more than four (4) hours but less than twenty-four (24)
 40 hours in each of ten (10) consecutive days per year, excluding
 41 intervening Saturdays, Sundays, and holidays.

42 (b) The term includes a building where child care is provided to less

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than seventeen (17) children if the provider has applied for a license under IC 12-17.2-4 and meets the requirements under IC 12-17.2-4.

SECTION 5. IC 12-7-2-33.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33.7. (a) As used in this chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. **Except as provided in subsection (c)**, the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

- (1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and
- (2) who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

(c) A child care home may serve a school age child during a break in the school year that exceeds four (4) weeks if the following conditions are met:

(1) The school age child:

- (A) was in the home part-time during the four (4) months preceding the break; or**
- (B) has a sibling attending the child care home.**

(2) The child care home meets the following requirements:

- (A) Provides at least thirty-five (35) square feet for each child.**
- (B) Maintains the child to staff ratio required under rules adopted by the division for each age group of children in attendance.**
- (C) Provides age appropriate toys, games, equipment, and activities for each age group of children enrolled.**
- (D) If the licensee does not reside in the child care home, the child care home has:**
 - (i) at least two (2) exits that comply with the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission;**
 - (ii) an illuminated exit sign over each required exit; and**
 - (iii) emergency lighting for each required exit.**

(3) The licensee for the child care home has maintained a class I child care home license for at least twelve (12) children:



(A) for at least one (1) year; and

(B) without any citations for noncompliance.

(4) If the licensee does not reside in the child care home, the licensee must, upon application for a license, meet the following requirements:

(A) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.

(B) Provide documentation to the division that the licensee:

(i) has completed;

(ii) is enrolled in; or

(iii) agrees to complete within the next three (3) years;

a child development associate credential program or a similar program approved by the division.

The division may grant a waiver or variance of the requirement under clause (B).

SECTION 6. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.



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~~(7) Reside in the child care home.~~

~~(8) (7)~~ Apply for a license before July 1, 1996, **or after June 30, 2001.**

~~(9) (8)~~ Comply with rules adopted by the division of family and children for class II child care homes.

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

(1) a class I child care home license; or

(2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) Before July 1, 2002, the division of family and children shall adopt rules under IC 4-22-2 to require each child who is less than eighteen (18) years of age and who resides in a family that receives monthly cash assistance payments through the federal Temporary Assistance to Needy Families program to receive the immunizations recommended by the American Academy of Pediatrics unless the parent or other adult caretaker relative:**

(1) refuses to have the child immunized because of religious beliefs; or

(2) provides documented medical evidence from a licensed physician that the immunization is not available or appropriate for the child.

(b) This SECTION expires July 1, 2002.

SECTION 8. [EFFECTIVE UPON PASSAGE] **The amendments made by this act to IC 12-7-2-33.7 do not apply to a person who was issued a license for a class I child care home before July 1, 2001.**

SECTION 9. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Lawson C be added as second author of Senate Bill 110.

CRAYCRAFT

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "16." insert "(a)".

Page 2, after line 2, begin a new line block indented and insert:

"(7) Conduct monthly documented fire drills in accordance with Article 13 of the Indiana fire code at the child care site.

(8) Provide for a safe environment by ensuring that the following items are placed in areas that are inaccessible to the children at the child care site:

(A) Firearms and ammunition.

(B) Poisons, chemicals, bleach, and cleaning materials.

(b) A local step ahead council may not require a child care ministry to meet any minimum standards in addition to the standards described in subsection (a) unless the additional standards are approved by the:

(1) general assembly; or

(2) division."

and when so amended that said bill do pass.

(Reference is to SB 110 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-199.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 199.3. "Voucher agent", for purposes of IC 12-17.2-3.5, has the meaning set forth in IC 12-17.2-3.5-2.**

SECTION 2. IC 12-7-2-199.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 199.5. "Voucher payment", for purposes of IC 12-17.2-3.5, has the meaning set forth in IC 12-17.2-3.5-3.**

SECTION 3. IC 12-17.2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 3.5. Eligibility of Child Care Provider to Receive Reimbursement Through Voucher Program

Sec. 1. This chapter applies to all child care providers regardless of whether a provider is required to be licensed or registered under this article.

Sec. 2. As used in this chapter, "voucher agent" means a person who contracts with the division to process applications and reimbursement for the federal Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99.

Sec. 3. As used in this chapter, "voucher payment" means payment for child care through the federal Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99.

Sec. 4. A provider who:

- (1) has been convicted of a felony; or**
- (2) fails to meet the requirements set forth in sections 5 through 12 of this chapter;**

is ineligible to receive a voucher payment.

Sec. 5. A provider shall have working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes in the area of the facility where the provider provides child care.

Sec. 6. (a) A provider who is an individual shall have an annual



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intradermal tuberculosis test.

(b) A provider shall assure that all individuals who are at least eighteen (18) years of age and who:

- (1) if the provider provides child care in the provider's home, reside with the provider; and
- (2) are employed at the facility where the provider provides child care;

have an annual intradermal tuberculosis test.

(c) A provider shall provide the results of the tests required under subsections (a) and (b) to the voucher agent.

Sec. 7. A provider shall have written plans for notifying parents regarding the following:

- (1) Illness, serious injury, or death of the provider.
- (2) Care in an emergency.
- (3) Emergency evacuation.

The plan required under subdivision (3) must be posted in a conspicuous location in the provider's facility.

Sec. 8. A provider who is an individual shall maintain current certification in:

- (1) infant and child CPR; and
- (2) first aid.

Sec. 9. A provider shall have at least one (1) working telephone in each facility where the provider provides child care.

Sec. 10. A provider shall conduct monthly documented fire drills in accordance with Article 13 of the Indiana fire code in each facility where the provider provides child care.

Sec. 11. A provider shall provide for a safe environment by ensuring that the following items are placed in areas that are inaccessible to the children in the provider's care:

- (1) Firearms and ammunition.
- (2) Poisons, chemicals, bleach, and cleaning materials.

Sec. 12. (a) A provider shall, at the provider's expense, provide to the voucher agent a copy of a limited criminal history for:

- (1) the provider;
- (2) if the provider provides child care in the provider's home, any individual who resides with the provider and who is:
 - (A) at least eighteen (18) years of age; or
 - (B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and
- (3) any individual who is employed at the facility where the provider provides child care.

(b) In addition to the requirement under subsection (a), a

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provider shall report to the voucher agent any:

- (1) police investigations;
- (2) arrests; and
- (3) criminal convictions;

not listed on a limited criminal history provided under subsection (a) regarding any of the persons listed in subsection (a)."

Page 2, delete lines 1 through 9.

Page 2, line 10, delete "(b)" and insert "**Sec. 13.**".

Page 2, line 12, delete "subsection (a)" and insert "**this chapter**".

and when so amended that said bill do pass.

(Reference is to SB 110 as printed March 2, 2001.)

SUMMERS, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 110 be amended to read as follows:

Page 3, after line 31 , begin a new paragraph and insert:

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) Before July 1, 2002, the division of family and children shall adopt rules under IC 4-22-2 to require each child who is less than eighteen (18) years of age and who resides in a family that receives monthly cash assistance payments through the federal Temporary Assistance to Needy Families program to receive the immunizations recommended by the American Academy of Pediatrics unless the parent or other adult caretaker relative:

- (1) refuses to have the child immunized because of religious beliefs; or**
- (2) provides documented medical evidence from a licensed physician that the immunization is not available or appropriate for the child.**

(b) This SECTION expires July 1, 2002.

SECTION 5. An emergency is declared for this act.

Re-number all SECTIONS consecutively.

(Reference is to ESB 110 as printed April 3, 2001.)

BUDAK

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 110 be amended to read as follows:

Page 3, after line 31 , begin a new paragraph and insert:

SECTION 3. IC 12-7-2-28.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.4. (a) "Child care center", for purposes of IC 12-17.2, means a **nonresidential building where at least ~~seventeen (17)~~ children receive one (1) child receives child care from a provider:**

- (1) while unattended by a parent, legal guardian, or custodian;**
- (2) for regular compensation; and**
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.**

(b) The term includes a building where child care is provided to less

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than seventeen (17) children if the provider has applied for a license under IC 12-17.2-4 and meets the requirements under IC 12-17.2-4.

SECTION 4. IC 12-7-2-33.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33.7. (a) As used in this chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. **Except as provided in subsection (c),** the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

- (1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and
- (2) who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

(c) A child care home may serve a school age child during a break in the school year that exceeds four (4) weeks if the following conditions are met:

(1) The school age child:

- (A) was in the home part-time during the four (4) months preceding the break; or**
- (B) has a sibling attending the child care home.**

(2) The child care home meets the following requirements:

- (A) Provides at least thirty-five (35) square feet for each child.**
- (B) Maintains the child to staff ratio required under rules adopted by the division for each age group of children in attendance.**
- (C) Provides age appropriate toys, games, equipment, and activities for each age group of children enrolled.**
- (D) If the licensee does not reside in the child care home, the child care home has:**
 - (i) at least two (2) exits that comply with the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission;**
 - (ii) an illuminated exit sign over each required exit; and**
 - (iii) emergency lighting for each required exit.**

(3) The licensee for the child care home has maintained a class I child care home license for at least twelve (12) children:

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- (A) for at least one (1) year; and
- (B) without any citations for noncompliance.
- (4) If the licensee does not reside in the child care home, the licensee must, upon application for a license, meet the following requirements:
 - (A) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.
 - (B) Provide documentation to the division that the licensee:
 - (i) has completed;
 - (ii) is enrolled in; or
 - (iii) agrees to complete within the next three (3) years; a child development associate credential program or a similar program approved by the division.

The division may grant a waiver or variance of the requirement under clause (B).

SECTION 5. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

- (1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (2) Provide a smoke detection system that is:
 - (A) hard wired to the building's electrical system; and
 - (B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.
- (3) Provide a fire extinguisher in each room that is used to provide child care services.
- (4) Meet the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (5) Provide a minimum of thirty-five (35) square feet for each child.
- (6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.



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~~(7) Reside in the child care home.~~

~~(8)~~ (7) Apply for a license before July 1, 1996, **or after June 30, 2001.**

~~(9)~~ (8) Comply with rules adopted by the division of family and children for class II child care homes.

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

(1) a class I child care home license; or

(2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 6. [EFFECTIVE UPON PASSAGE] **The amendments made by this act to IC 12-7-2-33.7 do not apply to a person who was issued a license for a class I child care home before July 1, 2001.**

SECTION 7. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to ESB 110 as printed April 3, 2001.)

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